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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,684

10/15/2003

Kohei Yamanaka

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/684,684	YAMANAKA ET AL.	
	Examiner	Art Unit	
	Ernesto Garcia	3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112, first paragraph.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,4-11 and 21-24.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


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Continuation of 5. Applicant's reply has overcome the following rejection(s):

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that the grooves in Dent do not have "a cross section having opposed faces substantially in parallel with each other" and remark that the annotated "A1" in Figures 4 and 8 do not correspond to parallel faces. In response, it should be noted that the language does not exactly specify that the faces are parallel but rather "substantially in parallel with each other", which has been given its broadest reasonable interpretation as "approximately parallel to each other". Further, even if the claims were to be amended to recite parallel opposed faces, it would have been obvious to modify the shape of the groove since making the groove round or square is an alternative design configuration serving the same locking purpose. Applicants further argue that the longitudinal grooves 64 in Dent are not illustrated in cross-section and that there is no support for parallel opposing faces either. In response, it should be noted that the claims recite "substantially parallel to each other" and thus is open for interpretation since the language does not exactly specify parallel planar surfaces but rather "approximately" parallel to each other.

Applicants further argue that Dent fails to disclose "a caulked portion provided to the cylindrical member at a position corresponding to the at least one groove of the shaft member, having an inner surface in press contact with the opposed faces of the groove". Applicants further argue that Dent fails to show the "caulked portion of the cylindrical member 22 is [are] in press contact with such parallel faces". In response, it should be noted that the mating piece contains corresponding valleys and crests with similar faces that are also "substantially parallel to each other". One can see from Figure 8 that this occurs. Accordingly, there is a "caulked portion provided to the cylindrical member at a position corresponding to the at least one groove of the shaft member, having an inner surface in press contact with the opposed faces of the groove".

Applicants further argue that Dent also fails to disclose "the cylindrical member 22 is spaced apart from the shaft member by a clearance except at this caulked portion". In response, the examiner has been this language its broadest reasonable interpretation. It should be noted that the examiner has annotated this clearance as A2 in Figure 8 thus the cylindrical member 22 is spaced apart from the shaft member at this location thus meeting the language "except at the caulked portion". Another way of looking at this is that the clearance is next to the caulked portion, which is the portion the cylindrical member makes contact with the shaft member. Applicants argue that the annotated reference ""A2" is merely the end portion of the shaft 10, which has a tapered edge". In response, this argument is not persuasive since the examiner clearly identifies this clearance using A2, and reference A2 is not intended to depict the tapered edge as applicants allege. Applicants further argue that the remaining areas between the shaft and cylindrical member should be formed with a clearance in order to meet this limitation of claim 21. In response, it should be noted that the claim is open ended and the caulked portion will include everything that the clearance is not present. Furthermore, it should be noted that Dent specifies, in column 4, lines 16-21, that the inside diameter of the tube "must allow for a sliding fit of the end portion 44 of the tube over the insert 10". Thus, it is clear that no press fit occurs in Dent and thus allows sliding over. Accordingly, the clearance A2 as identified by the examiner not only occurs at the end but rather everywhere else to allow a "sliding fit" rather than a friction fit.